

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,622

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her General Assistance (GA) for repairs to her car. The issue is whether the petitioner had an emergency need within the meaning of the pertinent regulations.

FINDINGS OF FACT

The petitioner applied for GA on October 21, 1996, to cover a brake repair to her car.⁽¹⁾ At the time the petitioner was employed part-time and also received a partial ANFC grant. There is no dispute that the petitioner's monthly income placed her in excess of the GA program maximum (see *infra*). The petitioner alleges that she needed the car repaired in order to continue her employment. After she was denied GA she borrowed the money for the repair (about \$300) from a friend.

The hearing in this matter was continued to enable the petitioner to submit the car repair bill to Reach Up. When Reach Up denied coverage, the parties agreed to have the Board decide whether the GA denial was proper, with the petitioner reserving the right to appeal the denial by Reach Up if the Department's GA denial is affirmed.

ORDER

The Department's decision is affirmed.

REASONS

Inasmuch as the petitioner's income at the time she applied was in excess of the applicable ANFC payment level, under W.A.M. § 2600C(1) she could qualify for GA only if she was facing a "catastrophic situation" as defined in the regulations. Catastrophic situations are limited under W.A.M. § 2602 to the following: death of a spouse or minor child, a court-ordered or constructive eviction, a natural disaster (such as flood, fire, or hurricane), or an emergency medical need. Car repairs--even those necessary to maintain employment--do not fall within any defined area of GA coverage.

Therefore, the Board is bound to affirm the Department's decision.⁽²⁾ 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. The petitioner also applied for coverage of an outstanding dental bill. This was subsequently covered by Medicaid, and is no longer a part of the petitioner's request for a fair hearing.
2. As noted above, the petitioner may file a separate appeal of the Department's decision denying coverage under Reach Up for her car repair.